

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**JASON R MILLIGAN**  
Claimant

**APPEAL NO: 12A-UI-00385-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**HOMEBOY ENTERPRISES LTD**  
Employer

**OC: 11/20/11  
Claimant: Appellant (2)**

Iowa Code § 96.5(1)a – Quit for Other Employment

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's January 9, 2012 determination (reference 01) that disqualified him from receiving benefits and held the employer's account exempt from charge because he had voluntarily quit his employment for reasons that do not qualify him to receive benefits. The claimant participated in the hearing. Brad Lewis, the owner, appeared on the employer's behalf. Based on the evidence, the arguments of the parties, and the law, the administrative law judge finds the claimant qualified to receive benefits based on this employment separation.

**ISSUE:**

Did the claimant voluntarily quit his employment for reasons that do not qualify him to receive benefits or did the employer discharge him for reasons constituting work-connected misconduct?

**FINDINGS OF FACT:**

The claimant started working for the employer in September 2010. He worked full-time as a concrete laborer. The claimant hurt his shoulder on September 7, 2011. The claimant worked until September 19, 2011.

On September 19, the claimant saw a doctor about his shoulder injury. The claimant was off work September 19 through October 16. The claimant was trying to resolve issues with the workers' compensation carrier during this time.

The claimant worked on October 17 and 18. The claimant's grandmother passed away and he took off the rest of this week for her funeral and bereavement. On October 22, the claimant sent the employer a text message indicating he would not be at work the next week. The claimant contacted the employer again on October 31 or November 7.

The claimant worked for M & M Masonry from November 1 through 18, 2011. He filed a claim for benefits during the week of November 20, 2011.

**REASONING AND CONCLUSIONS OF LAW:**

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5(1). If a claimant leaves a job because he has accepted another job, the claimant is not disqualified from receiving benefits and the employer's account will not be charged. Iowa Code § 96.5(1)a.

The parties agree the claimant worked two or three days the week of October 16 and was off the rest of the week because his grandmother had passed away. The parties also agree that the evening of October 22 the claimant sent the employer a text message indicating he would not be at work the following week. The parties do not agree when the claimant again contacted the employer about work. The facts also establish the claimant worked for M & M Masonry November 1 through 18.

First, communication by sending text messages is not the way to prevent miscommunication between parties. Based on the undisputed information presented at the hearing, the claimant accepted a job with another employer, M & M Masonry. He began working for the new employer on November 1. For unemployment insurance purposes, the claimant is qualified to receive benefits and the employer's account is not subject to charge.

**DECISION:**

The representative's January 9, 2012 determination (reference 01) is reversed. The claimant quit after he accepted a job with another employer. Therefore, as of November 20, 2011, the claimant is qualified to receive benefits based on the reasons for this employment separation and the employer's account will not be charged.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/kjw